

EPA 884-1006

SME-12

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mrs. Grace Himes
1224 Strong Avenue
Elkhart, IN 46514

Re: Himes Landfill
Elkhart, Indiana

Dear Mrs. Himes:

The United States Environmental Protection Agency (U.S. EPA) has documented the release and/or threatened release of hazardous substances, pollutants and contaminants at the above referenced site, and is planning to spend public funds to control and investigate these threatened releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-449. Responsible parties under SARA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site. You have been identified as a Potentially Responsible Party through ownership, with your husband, Mr. Charles H. Himes, of the above referenced site.

The U.S. EPA is seeking to obtain information from you pursuant to its authority under Section 104(e) of CERCLA as amended, 42 U.S.C. § 9604(e) and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. § 6927, for the purpose of enforcing CERCLA and RCRA and for the purpose of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and Section 101 of CERCLA to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the following information concerning the Himes Landfill, County Road 10 and Nappanee Extension, Elkhart Indiana.

1. State the name and address of the owners of the land on which the Himes Landfill is situated. Include the owners of the land during the operation of the landfill and the current owners of the land.

2. Provide copies of all shipping documents, or other business documents including receipts, relating to the transportation, storage and/or disposal of waste materials at the above referenced site.
3. Provide the generic, common or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the materials transported to, stored and/or disposed of at the above referenced site.
4. For each waste material identified above, please give the total volume in gallons for liquids and in cubic yards for solids, for which you arranged disposal and list the dates when disposal occurred.
5. Provide a customer/user list for the above referenced site. The list is to include available current addresses for each customer. Provide a list of all transporters using the site.
6. Provide a detailed description of daily disposal practices at the above referenced site.
7. Provide copies of all records, including analytical results, and material safety sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored, or disposed of at the above referenced site.
8. A list and description of all liability insurance coverage that is or was carried by you, including any self-insurance provisions that relate to hazardous substances and/or the facility identified above, and copies of all these insurance policies.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation/cleanup of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances, or the generation of hazardous substances which were ultimately disposed of, or offered for disposal at the site. The relevant time period for this request is from 1960 through 1976.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up, or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, shipping logs, bills of lading, invoices, bills, and any other similar documents that evidence discrete transactions involving shipment or the arrangement for shipment of waste materials to or through the above-referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes and other materials which may or may not contain pollutants and shall include reclaimed and off-specification materials of any kind.

This information should be sent to the following:

Ms. Susan Swales (SHE-12)
Waste Management Division
U.S. EPA - Region V
230 South Dearborn Street
Chicago, Illinois 60604

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. § 6928, and under Section 104(a)(5) of CERCLA, 42 U.S.C. § 9604(a)(5) failure to comply with this request may result in an enforcement action against you by U.S. EPA.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under the signature of a duly authorized corporate official certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief and that a diligent search for all documents responsive to this request has been completed. All documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should notify U.S. EPA promptly. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001.

If you need further information regarding this U.S. EPA information request, you may contact Susan Swales of the Hazardous Waste Enforcement Branch at (312) 886-7336.

Sincerely yours,

Basil G. Constantelos, Director
Waste Management Division

cc: V. Franklin, ORC
M. Pierce, CES

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